

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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REBECCA BROWN, AUGUST TERRENCE )  
ROLIN, STACY JONES-NASR, and MATTHEW )  
BERGER on behalf of themselves and all others )  
similarly situated, )  
Plaintiffs, )  
v. ) CASE NO. 2:20-cv-00064-MJH-LPL  
TRANSPORTATION SECURITY )  
ADMINISTRATION; DAVID P. PEKOSKE, )  
Administrator, Transportation Security )  
Administration, in his official capacity; DRUG )  
ENFORCEMENT ADMINISTRATION; )  
TIMOTHY J. SHEA, Acting Administrator, Drug )  
Enforcement Administration, in his official )  
Capacity; STEVE DAWKIN, Agent, Drug )  
Enforcement Administration, in his individual )  
capacity; and UNITED STATES OF AMERICA, )  
Defendants. )

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**THE GOVERNMENT DEFENDANTS' MOTION TO DISMISS**

Defendants Transportation Security Administration; David P. Pekoske, Administrator, Transportation Security Administration, in his official capacity; Drug Enforcement Administration; Timothy J. Shea, Acting Administrator, Drug Enforcement Administration, in his official capacity; and the United States of America (collectively, "the Government Defendants") move to dismiss the claims brought against them by Plaintiffs Rebecca Brown, August Terrence Rolin, Stacy Jones-Nasr, and Matthew Berger pursuant to Rules 12(b)(1) and 12(b)(6) of the

Federal Rules of Civil Procedure. The grounds for this motion are set forth more fully in the accompanying memorandum in support of this motion. A proposed order is attached.

Dated: September 18, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General

SCOTT W. BRADY  
United States Attorney

BRIGHAM J. BOWEN  
Assistant Director

/s/ Elizabeth Tulis  
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